

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.

Case No.

Ricardo Ortiz

Defendant(s)

EP20MJ2742-ATB

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 7/19/2020 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18 U.S.C. § 2422 (b)

Attempted Coercion and Enticement to engage in sexual activity of an
 individual who had not attained the age of 18 years.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

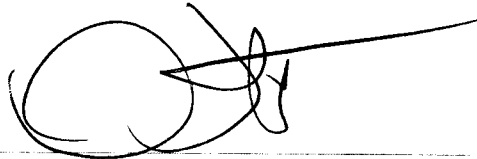
- ☐ Sworn to before me and signed in my presence.
☐ Sworn to telephonically and signed electronically.

Date: 7/20/2020City and state: El Paso, Texas


Complainant's signature

Laura Conklin, Special Agent

Printed name and title



Judge's signature

ANNE T. BERTON, U.S. Magistrate Judge

Printed name and title

Oath Telephonically Sworn
 Date: 7-20-20
 At 7:42 AM/PM
 Fed.R.Crim.P. 41(b)(2)(A)

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Special Agent (“SA”) Laura M. Conklin, herein after “Affiant,” being duly sworn do hereby depose and state:

1. Affiant is a SA with the Federal Bureau of Investigation (“FBI”) assigned to the El Paso Division. Affiant has been employed with the FBI as an SA since February 2019, and is currently assigned to a squad that investigates child exploitation and human trafficking crimes. Affiant knows it is a violation of federal law for a person using any facility or means of interstate commerce, or within the special maritime and territorial jurisdiction of the United States, to knowingly persuade, induce, entice or coerce any individual who has not attained the age of eighteen (18) years, to engage in any sexual activity for which any person can be charged with a criminal offense, or to attempt to do so, as it is a violation of Title 18, United States Code, Section 2422(b). The statements contained in this Affidavit are based on Affiant’s experience, background as a SA, and on information provided by other law enforcement officers (“Investigators”).
2. The information contained herein is based upon Affiant’s investigation as well as information supplied by other Investigators. Your Affiant has not included all facts known concerning this matter, but only facts necessary to set forth probable cause.
3. A FBI Online Covert Employee (“OCE”) created a fictitious online persona of an 18-year-old male located in El Paso, TX, and posted a profile reflecting this fictitious persona on Grindr, a social networking and online dating application, however, during the OCE’s conversation with the individual identified below, the OCE identified themselves as 14 years old.
4. Grindr is a free location-based social networking and online dating application for “gay, bi, trans, and queer people”. The application permits users to send text messages and other content, including videos and images, to each other over the internet. The internet is a facility of interstate commerce.
5. On July 19th, 2020, the OCE informed Affiant that an individual subsequently identified by the FBI as **Ricardo Ortiz** was communicating with the OCE and that the communications involved Ortiz’ attempt to engage in sexual activity with what Ortiz believed to be a 14-year-old male.
6. The OCE first became aware of Ortiz when the OCE, acting in an undercover (“UC”) capacity, was conducting investigations into the enticement of minors on the Grindr social networking application while posing as a fictitious 14-year-old gay male. On July 19th, 2020, at 12:22 AM (MST) the OCE was contacted by a Grindr user communicating under the profile name “The One.” The communications were initiated by “The One” sending the message “Hey”, followed by a nude image.
7. During their Grindr communications, “The One” asked for the OCE’s age. The OCE told “The One” he was 14 years old. “The One” told the OCE that he was 29 years old.
8. The following are excerpts from the text message conversation between Ortiz and the OCE. It does not display the conversation in its entirety:

July 19th, 2020, 1:11 PM – 1:18 PM (MST)

- Ortiz - "Wanna play"
- OCE - "Maybe? I am kind of young if that's ok"
- Ortiz - "Sure"
- Ortiz - "Can I see you"
- OCE - "Sorry I don't share pics unless I met with the person"
- Ortiz - "Oh"
- Ortiz - "Wanna meet"
- Ortiz - "What school you go to"
- OCE - "Sure. I am alone as (sic) my house. I live on the west side"
- OCE - "Went to IDEA"
- Ortiz - "Ok bb (sic)"
- Ortiz - "How old"
- OCE - "14... if that is ok... but don't tell anyone I don't want to get in trouble"
- Ortiz - "You either"

July 19th, 2020, 1:27:02 PM – 1:27:50 PM (MST)

- Ortiz - "You wanna come over"
- Ortiz - "I can pick you up"
- Ortiz - "I have toys"
- OCE - "Ooo ok"
- OCE - "That will be cool"
- Ortiz - "Really"
- OCE - "What do you want to do?"
- OCE - "Yea (sic) as long as your (sic) gentle with me and don't get me in trouble lol"
- Ortiz - "In (sic) want to suck you and play with your hole"

July 19th, 2020, 1:36 PM – 1:37 PM (MST)

- OCE - "Do you have condoms?"
- Ortiz - "You're gorgeous."
- Ortiz - "Yes"
- OCE - "Be gentle with my abs. They have been sore"
- Ortiz - "You're yummy"
- OCE - "My 14 year old body can only take so much hahah"
- Ortiz - "Omg haha"

9. On July 19th, 2020, at approximately 4:00 PM MST, "The One" provided a cellular telephone number for the OCE to continue the conversations through a basic text messaging service, instead of through the Grindr application.
10. At approximately 4:10 PM MST, "The One" blocked the OCE on the Grindr application, which deleted the previous communications. The FBI preserved a copy of the communications that took place on the OCE's device prior to 2:08 PM MST, therefore communications between the OCE and "The One" that took place between 2:08 PM MST and approximately 4:10 PM MST have not been recovered.
11. From the OCE's personal recollection, during the aforementioned period of time, "The One" sent a photograph of his face, talked about going to a motel because it was safer, and provided the OCE with his cellular telephone number.
12. The OCE initiated a text message conversation with cellular telephone number ending in 2218.
13. The text message conversation between OCE and 2218 occurred on July 19th, 2020 at 4:36 PM MST. The following are excerpts from the text message conversation between Alfredo and OCE. It does not display the conversation in its entirety:

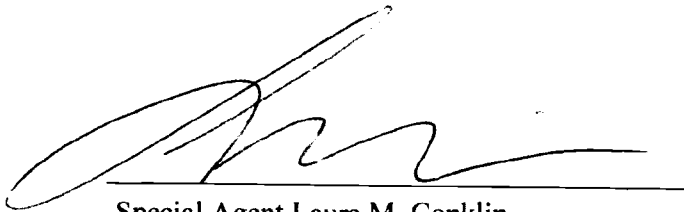
July 19th, 2020

- Ortiz – "What happened to your Grindr?"
- OCE – "You started treating me different after you say my face n (sic)"
- OCE – "I deleted it"
- Ortiz – "Ok...now your (sic) sketching me out"
- OCE – "I erased it when you wouldn't show me"

July 19th, 2020

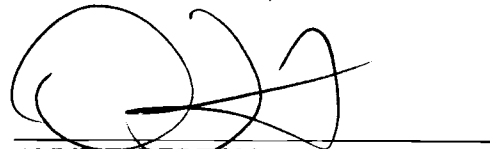
- OCE – "Do I need to bring anything"
 - Ortiz – "No"
 - OCE – "You got condoms? And lube?"
 - Ortiz – "Ya (sic)"
 - OCE – "What type of toys do you got lol? I shouldn't be talking dirty while talking to my parents but I can't help myself lol"
 - Ortiz – "Ooh dildos"
 - Ortiz – "And some other stuff haha"
 - Ortiz – "My trusty old vibrator"
 - OCE – "Is it big"
 - Ortiz – "Yeah it's a magic wand but it's like a billion years old lmao"
14. The OCE told Ortiz that his family was in Ruidoso, NM for the day and his cousin would be leaving shortly so he would be home alone. The OCE and Ortiz agreed to meet at the OCE's residence so that Ortiz could pick up the OCE to engage in sexual activity.
 15. The OCE's residence was located in the Western District of Texas.

16. The OCE requested Ortiz first meet him at a park, near his house, to which Ortiz agreed. Ortiz arrived at the park location and the OCE provided the address to his residence, located in El Paso, Texas. The OCE told Ortiz to knock on the door when he arrived at the residence.
17. On July 19th, 2020, Ortiz traveled from the park location to the residence, parked in front of the house, exited his vehicle, and requested the OCE to open the door. Agents cracked the door open and Ortiz proceeded to enter through the front door. Agents took custody of Ortiz without incident.
18. After being advised of his Miranda Rights, Ortiz agreed to speak with Investigators without an attorney present. An audio/video recorded interview was performed wherein Ortiz admitted that he communicated with the OCE, who he knew to be a 14-year-old male. Ortiz stated he met the OCE through the Grindr application and then transitioned to text messaging with the OCE. Ortiz drove to the park near the OCE's residence, located in El Paso, Texas, and then to the residence located in El Paso, Texas to meet with the OCE. The residence was located in the Western District of Texas.
19. Ortiz stated he sent the messages to the OCE using his cellular telephone, which was on his person at the time of his arrest. Ortiz stated that his cellular telephone is part of a family plan, and his parents paid for all bills for the telephone. Ortiz stated he was the only person to have access to his cellular device on July 19, 2020.
20. Ortiz admitted he met the OCE on Grindr and knew he was 14-years-old. Ortiz admitted to engaging in sexually explicit conversations with the OCE and went to the OCE's residence for sex. During the interview, Ortiz stated, "I was just curious to see what it was like. I mean it's obviously wrong". Ortiz admitted that curiosity had gotten the best of him.
21. Ortiz admitted to bringing sex toys, condoms, and a "THC cartridge". Ortiz intended for the condoms to be used on the sex toys, and for the OCE to use the sex toys on himself with the hopes that Ortiz could watch him.
22. Ortiz stated that he blocked the OCE on Grindr to get rid of the thread of messages and was going to block him on the text messaging application as well, because Ortiz was nervous.
23. Ortiz stated he has never touched a minor or engaged in any sexual acts with any other minors, and in the past he has backed off if an individual tells Ortiz that they are under the age of 18.
24. Ortiz is currently employed as a teacher at Horizon High School and holds a Texas Educator Certificate for Technology Education grades 6-12. The Certification is valid from March 31, 2017 to April 30, 2023.
25. Ortiz provided consent to search the telephone on his person, an iPhone 11 (iPhone).
26. There is reason to believe, and your Affiant does believe, there is probable cause that **Ricardo Ortiz**, while using a facility of interstate and foreign commerce, did knowingly attempt to persuade, entice, or coerce an individual who had not attained the age of 18 years, to engage in sexual activity, so in violation of Title 18, United States Code Section 2422(b) Coercion and Enticement.

A handwritten signature in black ink, appearing to read 'Laura M. Conklin', written over a horizontal line.

Special Agent Laura M. Conklin
Federal Bureau of Investigation

SUBSCRIBED AND SWORN TO BEFORE ME ON JULY 20TH, 2020.

A handwritten signature in black ink, appearing to read 'Anne T. Berton', written over a horizontal line.

ANNE T. BERTON
UNITED STATES MAGISTRATE JUDGE